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9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION
12

13 UNITED STATES OF AMERICA,)	CASE NO. CR 18-483 SI
)	
14 Plaintiff,)	STIPULATION AND PROPOSED ORDER
)	EXCLUDING SPEEDY TRIAL TIME FROM
15 v.)	MARCH 8, 2019 TO MARCH 22, 2019 AND APRIL
)	12, 2019
16 DEREKE HOLDEN and)	
JOSE SOTOMAYOR,)	
)	
17 Defendants.)	
)	
)	
)	

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21 The parties, through their counsel of record, stipulate as follows:

- 22 1. The defendants, Dereke Holden and Jose Sotomayor, represented by their attorneys Anne
23 Kelts and Lara Kollios, respectively, and the government, represented by Ross
24 Weingarten, appeared on March 8, 2019 for a status conference in District Court.
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26 2. The government has provided discovery in this case and informed the Court that
27 productive plea negotiations are ongoing. The defendants informed the court that they
28 are continuing to review the discovery.

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3. With respect to Mr. Sotomayor, his attorney Lara Kollios informed the Court that she is leaving private practice and thus Mr. Sotomayor will need new counsel. She has advised Mr. Sotomayor that he needs new counsel and he agrees. The Court set a hearing on March 22, 2019 at 11:00 a.m. On that date, Ms. Kollios will withdraw as counsel and a new counsel for Mr. Sotomayor will be appointed.
4. With respect to Mr. Holden, the parties informed the Court that they are working to reach a global resolution with this case and another case pending before Judge Davila in San Jose (*see* 18-cr-00356 EJD). The parties informed the Court that they are close to a resolution and, once one is reached, the parties will file a stipulation and order to consolidate the two cases. The Court set a hearing date on April 12, 2019 at 11:00 a.m., but stated that if the case is resolved beforehand, then this appearance will be vacated.
5. In order to allow for the effective preparation of counsel for the defendants, the parties agree that, with respect to Mr. Sotomayor, time should be excluded under the Speedy Trial Act between March 8, 2019 and March 22; and with respect to Mr. Holden, time should be excluded under the Speedy Trial Act between March 8, 2019 and April 12, 2019.

IT IS SO STIPULATED.

Dated: March 12, 2019

/s/

 DAVID CALLAWAY
 ALEXANDER DAVIS
 ANNE KELTS
 Attorneys for Defendant Dereke Holden

Dated: March 12, 2019

/s/

 LARA KOLLIOS
 Attorney for Defendant Jose Sotomayor

Dated: March 12, 2019

/s/


 ROSS WEINGARTEN
 Assistant United States Attorney

~~(PROPOSED)~~ ORDER

Based upon the representation of counsel and for good cause shown, the Court finds that, with respect to Mr. Sotomayor, failing to exclude the time between March 8, 2019 and March 22, 2019, and with respect to Mr. Holden, failing to exclude the time between March 8, 2019 and April 12, 2019, would deny counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv). The Court further finds that the ends of justice served by excluding the time between March 8, 2019 and March 22, 2019 in Mr. Sotomayor's case, and from March 8, 2019 to April 12, 2019 in Mr. Holden's case, from computation under the Speedy Trial Act outweigh the best interests of the public and the defendant in a speedy trial.

Therefore, IT IS HEREBY ORDERED that the time between March 8, 2019 and March 22, 2019 for Mr. Sotomayor, and between March 8, 2019 and April 12, 2019 for Mr. Holden, shall be excluded from computation under the Speedy Trial Act. 18 U.S.C. § 3161(h)(7)(A) and (B)(iv).

DATED: March 12, 2019



HONORABLE SUSAN ILLSTON
United States District Judge